

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

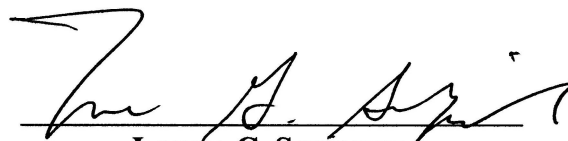
-----	X	
	:	
UNITED STATES OF AMERICA,	:	
	:	
-against-	:	22 Crim. 692 (LGS)
	:	
LAMOR WHITEHEAD,	:	<b><u>ORDER</u></b>
	:	
Defendant.	:	
-----	X	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on February 23, 2024, the Government filed a letter regarding non-party Eric Lach's requested testimony. Dkt. 158. In the Government's letter, the Government represented that its direct examination of Mr. Lach will not implicate confidential information. Dkt. 158 at 3. In footnote 2, the Government noted that it therefore did not address the higher standard applicable to confidential-source information but emphasized that the Government does not concede that it cannot make the required showing. *Id.*, n.2. To determine whether the subpoena should be quashed, a court must consider whether confidential information would be implicated, not only on direct examination, but also on cross-examination. *See United States v. Treacy*, 639 F.3d 32, 44-45 (2d Cir. 2011). It is hereby

**ORDERED** that the Government shall file a supplemental letter as soon as possible regarding whether it can make the required showing to overcome the reporter's privilege to elicit confidential information.

Dated: February 26, 2024  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE